

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

PAMELA WASHINGTON,	)	
	)	
Plaintiff,	)	
v.	)	
	)	
THE CHARLOTTE-MECKLENBURG	)	Civil Action No. 3:19-cv-95
HOSPITAL AUTHORITY d/b/a ATRIUM	)	
HEALTH f/k/a CAROLINAS	)	
HEALTHCARE SYSTEM,	)	
	)	
Defendant.	)	
_____	)	

**NOTICE OF REMOVAL**

Defendant The Charlotte-Mecklenburg Hospital Authority d/b/a Atrium Health f/k/a Carolinas HealthCare System (hereafter “Atrium”) hereby removes Case No. 19-CVS-558 from the Superior Court for Mecklenburg County, North Carolina, to the United States District Court for the Western District of North Carolina pursuant to 28 U.S.C. §§ 1331, 1441(a), and 1446, and as grounds for its removal states as follows:

**Statement of the Case**

1. January 28, 2019, Pamela Washington filed a Complaint in the Superior Court for Mecklenburg County, North Carolina styled *Pamela Washington v. The Charlotte-Mecklenburg Hospital Authority d/b/a Atrium Health f/k/a Carolinas HealthCare System*, Case No. 19-CVS-558 (the “State Court Action”). A copy of the Complaint is attached as **Exhibit A** hereto.

2. Atrium was served with the Delayed Service of Complaint and Complaint on January 29, 2019.

3. In this action, Plaintiff alleges “discrimination and retaliation based on Plaintiff’s sex and race in violation of Title VII of the Civil Rights Act of 1964, as amended, (“Title VII”); and discrimination and retaliation based on Plaintiff’s disability in violation of Title I of the Americans with Disabilities Act Amendments Act of 2008 (“ADAAA”).” (*See, e.g.*, Exhibit A at ¶ 9). Title VII and the ADAAA are federal statutes that prohibit various forms of employment discrimination.

#### **Federal Question Jurisdiction**

4. This Court has original jurisdiction over this matter under 28 U.S.C. § 1331, because Plaintiff has stated that her Complaint is brought pursuant to federal law.

5. Plaintiff’s Complaint clearly alleges discrimination and retaliation based on Plaintiff’s sex and race in violation of Title VII of the Civil Rights Act of 1964, as amended and discrimination and retaliation based on Plaintiff’s disability in violation of Title I of the Americans with Disabilities Act Amendments Act of 2008. (*See* Exhibit A, Counts I and II). As a result, Plaintiff’s Complaint arises under federal law, and is therefore removable as falling within this Court’s subject-matter jurisdiction. *See* 28 U.S.C. §§ 1331 and 1441.

#### **All Procedural Requirements for Removal Have Been Satisfied**

6. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of all of the process, pleadings, orders, and documents from the State Court Action which have been served upon Atrium are being filed with this Notice of Removal.

7. This Notice of Removal has been filed within 30 days of the date that Atrium was served with the Delayed Service of Complaint and the Complaint in this matter. Removal is therefore timely in accordance with 28 U.S.C. § 1446(b).

8. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1441(a) and 1446(a) because the U.S. District Court for the Western District of North Carolina is the federal judicial district embracing the Superior Court for Mecklenburg County, North Carolina, where the State Court Action was originally filed and is currently pending.

9. Defendants will file and serve notice of this removal as required by 28 U.S.C. § 1446(d).

### **Conclusion**

By this Notice of Removal, Defendant does not waive any objections it may have as to jurisdiction or venue, or any other defenses or objections that it may have to this action. Defendant intends no admission of fact, law or liability by this Notice, and expressly reserves all defenses, motions and/or pleas.

Respectfully submitted this 27th day of February, 2019.

/s/ Kevin Parsons

NC Bar No. 19226

/s/ Philip Hinson

NC Bar No. 42907

Lewis Brisbois Bisgaard & Smith LLP

15801 Brixham Hill Avenue, Suite 550

Charlotte, NC 28277

Phone: 704-926-3758

Fax: 704-557-9932

[Kevin.Parsons@lewisbrisbois.com](mailto:Kevin.Parsons@lewisbrisbois.com)

[Philip.Hinson@lewisbrisbois.com](mailto:Philip.Hinson@lewisbrisbois.com)

*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing “NOTICE OF REMOVAL” in the above-captioned proceeding has been served this by first class mail, postage prepaid upon the following:

Margaret Behringer Maloney, N.C. Bar 13253  
Jennifer Dianne Spyker, N.C. Bar 46048  
MALONEY LAW & ASSOCIATES, PLLC  
1824 East Seventh Street  
Charlotte, NC 28204  
[mmaloney@maloneylegal.com](mailto:mmaloney@maloneylegal.com)  
[jspyker@maloneylegal.com](mailto:jspyker@maloneylegal.com)  
Telephone: 704-632-1622  
Facsimile: 704-632-1623  
*Attorneys for Plaintiff*

This the 27th day of February, 2019.

/s/ Kevin V. Parsons  
/s/ Philip A. Hinson